



28 APR 2003

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Arlington, VA 22202

In re Application of :  
LUU, Bang, et al. :  
Application No.: 09/890,969 :  
PCT No.: PCT/JP00/00742 :  
Int. Filing Date: 10 February 2000 :  
Priority Date: 10 February 1999 :  
Attorney Docket No.: 211815US0PCT :  
For: USE OF A CYLOHEXENONE :  
LONG-CHAIN ALCOHOL FOR :  
TREATING :  
NEURODEGENERATIVE DISEASES :

DECISION ON

PETITION UNDER

37 CFR 1.47(a)

This is in response to applicants' "Renewed Petition Under 37 CFR §1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 03 December 2002.

### BACKGROUND

On 10 February 2000, applicants filed international application PCT/JP00/00742. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 17 August 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 03 August 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 August 2001.

On 08 August 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 15 October 2001, USPTO mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late furnishing of the oath or declaration were required.

On 11 April 2002, applicants filed "Petition Under 37 CFR §1.47(a)" accompanied by, *inter alia*, the Notification of Missing Requirements dated 11 September 2001 and a combined declaration and power of attorney.

On 03 September 2002, the Office mailed "Decision On Petition Under 37 CFR 1.47(a)" dismissing applicants' petition without prejudice.

On 03 December 2002, applicants filed "Renewed Petition Under 37 C.F.R. §1.47(A)" accompanied by a request for a one month extension of time and the fee for a one month extension of time.

On 03 February 2003, applicants submitted a copy of the 03 December 2003 petition along with a copy of a postcard receipt.

### DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (3) were previously met. The petition lists the last known address of the non-signing inventor Philippe Chabert as 9, rue du Temple, 68300 Saint-Louis, France.

Item (2) has now been satisfied.

Item (4) has not been satisfied, contrary to a previous indication. The declaration satisfies 37 CFR 1.47, but does not comply with 37 CFR 1.497(a)-(b). The international application is in the name of Florence Keyling and others. The declaration is executed by Florence Keyling-Bilger and others.

Under 37 CFR 1.41(a)(4), the inventors who submitted an application under §1.494 or §1.495 are the inventors in the international application designating the United States. The inventors in the international application include the inventors named upon filing of the international application or resulting from any changes made under Rule 92*bis* in the international stage. The record does not reflect any such requests under Rule 92*bis* during the international stage.

Applicant is required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b). Attention is directed to MPEP §605.04(c) and the requirement for a petition under 37 CFR 1.182 contained therein, if there has been a change of name.

### CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper

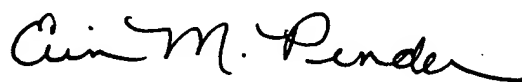
response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Applicant is advised that, effective May 1, 2003, the Office is changing its correspondence address. Any further correspondence with respect to this matter deposited with the United States Postal Service on or after May 1, 2003 should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration.



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